

177 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31289-2019

Date of decision : 01.11.2019

Sukhdev Kaur and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioners.

AMIT RAWAL, J. (ORAL)

The writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the notice dated 14.10.2019(Annexure P-5) issued by respondent No.4 vide which petitioners have been directed either to complete the development work of village Sangrana, Tehsil and District Sri Muktsar Sahib within 15 days otherwise Administrator will be appointed as per the provisions of Section 200(1) of the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act' for short) in an arbitrary manner.

Learned counsel for the petitioners *inter alia* contends that the petitioners had already been convening the meeting of the Gram Panchayat of village Sangrana for the following agenda;-

1. For renovation of Panchayat Ghar

2. For depositing the pending electricity bills of water works
3. For construction of new streets and drains
4. For construction of boundary wall of cremation ground
5. For clearing of village pond
6. For starting the MANREGA works in the village

Two meetings almost identical were held but there is no consensus amongst the members BDPO called upon all the members and the Sarpanch to appear in person on 29.10.2019 and the hearing has been adjourned to 06.11.2019 for appointing the Administrator in case the grant is not spent within a reasonable period. In support of his contention Mr.Dhaliwal relies upon the order dated 30.08.2019 passed by this Court in CWP No. 22998 of 2019 to submit that a controversy almost identical in nature arose before this Court for consideration in the aforesaid matter whereby after notice of motion the Deputy Director gave an assurance to the Court to undertake the exercise as mentioned in the order before the appointment of the Administrator and till then his appointment was stated to be kept in abeyance.

I am of the view that the stage at which the petitioners have come to this Court is premature as they are at liberty to explain the reasons by relying upon the provisions of the Act and as well as the decision on the date fixed i.e. 06.11.2019.

Writ petition is accordingly disposed of with a direction to the petitioners to file a detailed reply to the notice Annexure P-5 and with liberty to take reliance of any document or judgments in support of their case. In case such reply is filed before on the same date already fixed, BDPO shall take it into consideration in the aforesaid hearing and adhere to the compliance reflected in the order on the basis of the instructions of Deputy Director,

Department of Rural Development.

Disposed of.

(AMIT RAWAL)
JUDGE

01.11.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No